

## **MINUTES OF REGULAR MEETING HELD JUNE 6, 2017**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, June 6, 2017 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 22, 2016. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Skibitsky, Council Members Arena, Neylan, LoGrippe, Loughlin, Della Fera, Donnelly, Stokes

### **ABSENT:**

Invocation was given by Councilman LoGrippe

### **PRESENTATIONS**

Westfield First  
Westfield Rescue Squad Blood Drive Presentation

### **APPOINTMENT**

### **ADVERTISED HEARINGS**

#### GENERAL ORDINANCE NO. 2081

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED STREETS AND SIDEWALKS,” OF THE “CODE OF THE TOWN OF WESTFIELD,” IN ORDER TO ESTABLISH A NEW SECTION THEREOF TO BE KNOWN AS ARTICLE VIII, “SIDEWALK SIGNS.”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

#### GENERAL ORDINANCE NO. 2082

“AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

#### GENERAL ORDINANCE NO. 2083

“AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, “GENERAL ORDINANCE NO. 2081 - AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED STREETS AND SIDEWALKS,” OF THE “CODE OF THE TOWN OF WESTFIELD, ” IN ORDER TO ESTABLISH A NEW SECTION THEREOF TO BE KNOWN AS ARTICLE VIII, “SIDEWALK SIGNS.” Introduced by Councilman Della Fera, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:           Arena                               Nays:           Absent:

Neylan

LoGrippo

Loughlin

Della Fera

Donnelly

Oliveira

Stokes

Mayor Skibitsky

An ordinance entitled, “GENERAL ORDINANCE NO. 2082 - AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD” Introduced by Councilman Della Fera, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:           Arena                               Nays:           Absent:

Neylan

LoGrippo

Loughlin

Della Fera

Donnelly

Oliveira

Stokes

Mayor Skibitsky

An ordinance entitled, “GENERAL ORDINANCE NO. 2083 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13” Introduced by Councilman Loughlin, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:           Arena                               Nays:           Absent:

Neylan

LoGrippo

Loughlin

Della Fera

Donnelly

Oliveira

Stokes

Mayor Skibitsky

**BIDS**

TOWN OF WESTFIELD

INVITATION TO BID

WEDNESDAY, May 31, 2017

**2017 VARIOUS ROAD IMPROVEMENTS**

**Bidder**

**Amount of Bid**

Top Line Construction Corp.	\$1,598,523.56
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<b>22 Fifth Street</b>	
<b>Somerville, NJ 08876</b>	
<b>J. A. Alexander Inc.</b>	<b>\$1,467,548.00</b>
<b>130 JFK Drive N.</b>	
<b>Bloomfield, NJ 07003</b>	
<b>Smith Soudy</b>	<b>\$1,668,823.75</b>
<b>150 Anderson Avenue</b>	
<b>Wallington, NJ 07057</b>	
<b>Cifelli&amp; Son General Construction</b>	<b>\$1,742,000.00</b>
<b>81 Franklin Avenue</b>	
<b>Nutley, NJ 07110</b>	
<b>Fischer Contracting Inc.</b>	<b>\$1,286,477.00</b>
<b>10 Short Hills Lane</b>	
<b>Scotch Plains, NJ 07076</b>	
<b>Stilo Excavating Inc.</b>	<b>\$1,677,100.00</b>
<b>2907 So. Clinton Avenue</b>	
<b>South Plainfield, NJ 07080</b>	
<b>Black Rock Enterprises, LLC</b>	<b>\$1,549,775.00</b>
<b>1316 Englishtown Road</b>	
<b>Old Bridge, NJ 08857</b>	
<b>CCM Contracting Inc.</b>	<b>\$1,441,020.00</b>
<b>336 Route 22</b>	
<b>Green Brook, NJ 08812</b>	
<b>Schifano Construction</b>	<b>\$1,755,481.00</b>
<b>1 Smalley Avenue</b>	
<b>Middlesex, NJ 08846</b>	
<b>P &amp; A Construction, Inc.</b>	<b>\$1,447,891.00</b>

<b>P.O Box 28</b>	
<b>Colonia, NJ 07067</b>	

**TOWN OF WESTFIELD**  
**INVITATION TO BID**  
**WEDNESDAY, May 31, 2017**  
**2017 IMPROVEMENT OF BOULEVARD**

<b><u>Bidder</u></b>	<b><u>Amount of Bid</u></b>
<b>Top Line Construction Corp.</b>	<b>\$374,979.36</b>
<b>22 Fifth Street</b>	
<b>Somerville, NJ 08876</b>	
<b>J. A. Alexander Inc.</b>	<b>\$428,453.75</b>
<b>130 JFK Drive N.</b>	
<b>Bloomfield, NJ 07003</b>	
<b>Cifelli&amp; Son General Construction</b>	<b>\$399,415.00</b>
<b>81 Franklin Avenue</b>	
<b>Nutley, NJ 07110</b>	
<b>Fischer Contracting Inc.</b>	<b>\$322,355.00</b>
<b>10 Short Hills Lane</b>	
<b>Scotch Plains, NJ 07076</b>	
<b>Stilo Excavating Inc.</b>	<b>\$382,292.75</b>
<b>2907 So. Clinton Avenuye</b>	
<b>South Plainfield, NJ 07080</b>	
<b>Black Rock Enterprises, LLC</b>	<b>\$469,890.00</b>
<b>1316 Englishtown Road</b>	
<b>Old Bridge, NJ 08857</b>	
<b>P &amp; A Construction, Inc.</b>	<b>\$344,444.00</b>
<b>P.O Box 28</b>	
<b>Colonia, NJ 07067</b>	

**MINUTES**

On a motion by Councilman Donnelly seconded by Councilman LoGrippto, Council approved the Minutes of the Town Council Conference Session & Regular Meeting held May 16, 2017 with Councilman Oliveira abstaining.

**PETITIONS AND COMMUNICATIONS**

**OPEN DISCUSSION BY CITIZENS**

Tim Harrington, owner of a property at 118-122 Elm Street spoke about a Downtown Report he found from 1999. He said he had a copy and people should read it and compare it to the Mayor’s Downtown Task Force report. He also offered his expertise in parking to Councilman Loughlin, Chairman of the Public Safety, Parking and Transportation Committee

**BILLS AND CLAIMS**

Introduced by Councilwoman Neylan, seconded by Councilman Loughlin were adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$2,283,603.34 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

**REPORTS OF STANDING COMMITTEES:**

Finance Policy Committee

The following resolutions, introduced by Councilwoman Neylan, Chairman of the Finance Policy Committee seconded by Councilman Arena were unanimously adopted.

(138) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2017:

BLOCK AND LOT		
<u>NAME AND ADDRESS</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
5109/11 TSOUHNIKAS, Neocle	120 Cottage Place	\$ 672.84
5004/61 BOUGHTWOOD, John A. Estate of	171 Tudor Oval	\$1,000.00

Mail Check to:  
Krevsky, Silber & Bergen  
123 North Union Avenue, Suite 202  
P.O. Box 99  
Cranford, NJ 07016

(139) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2012, 2013, 2014, 2015 and 2016 pursuant to the Tax Court of New Jersey:

BLOCK/LOT			
<u>NAME</u>	<u>ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
1409/5	507 Wychwood Avenue	2012	\$2,044.12
FRANCZ, Louis & Jane		2013	\$1,923.00
CHECK PAYABLE TO:		2014	\$2,592.77

Krevsky, Silver & Bergen Attorney For Louis and Jane Francz

MAIL TO:

Philip M. Krevsky, Esq.

Krevsky, Silber & Bergen

P.O. Box 99

123 North Union Avenue

Cranford, NJ 07016

3202/6	422-436 North Avenue E	2014	\$8,557.00
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430 North Avenue East, LLC		2015	\$8,849.00
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MAIL TO:

ZIPPP TANNENBAUM & CACCAVELLI, LLC

280 Raritan Center Parkway

Edison, NJ 08837

2101/36	208 Wychwood Road	2016	\$3,431.02
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STEINBERG, STEVEN & LORI

CHECK PAYABLE TO:

Steven Steinberg & Lori Steinberg and Maria Cozzini, Esq

MAIL TO:

Maria R. Cozzini, Esq.

1199 US Route 22 East

Mountainside, NJ 07092

3105/15	35-39 Elm Street	2014	\$4,009.15
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GOODMAN, Joel & Eleanor		2015	\$4,876.52
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CHECK PAYABLE TO:		2016	\$5,858.49
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Michael A Vespasiano, Attorney Trust Account

MAIL TO:

Law Office of Michael A Vespasiano

331 Main Street

Chatham, NJ 07928

(140) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$160.20 & 60.00 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of April & May 2017.

(141) RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Steven P. Grzenda	Lot 4/Nite Owl	#17480010	\$70.00
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66 Elm Street  
Westfield, NJ 07090

Kathleern N. Matrale 6 West Normandy Blvd Convent Station, NJ 07030	Lot 8	#17080162	\$350.00
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Androu N. Fahmi 16 Grove Place Bayonne, NJ 07002	Lot 8	#17080161	\$350.00
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(142) BE IT RESOLVED that the Town Attorney is hereby authorized to sign Stipulations of Settlement, pursuant to which the assessment for the property located at 325 North Avenue East (Block 3113, Lot 13) (a) for the year 2014 shall be changed to \$500,000, (b) for the year 2015 shall be changed to \$485,000, (c) for the year 2016 shall be changed to \$470,000, (d) for the year 2017 shall be changed to \$450,000, and (e) for the year 2018 shall be changed to \$400,000.

(143) WHEREAS, the County Board of Taxation is unable to certify the tax rate throughout the county in a timely fashion and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis; and

WHEREAS, the Municipal Tax Collector, in consultation with the Municipal Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield in the County of Union and the State of New Jersey on this 6<sup>th</sup> day of June, 2017, as follows:

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Town of Westfield for the third installment of 2017 taxes. The Tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2017 is hereby set at \$171,677,840.77
3. In accordance with the law, the third installation of 2017 taxes shall not be subject to interest until the later of the end of the grace period, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

	<u>2017 CERTIFICATION</u>
Municipal	\$27,662,381.77
School	\$100,170,477.00
Library	\$2,548,401.00
County	\$40,145,326.00
Open Space	<u>\$1,151,254.00</u>
Totals	\$171,677,839.77

Divided by the assessed value of \$1,856,860,572

= Tax rate of 9.246

Public Safety, Transportation and Parking Committee

Regarding the following ordinance, Councilman Loughlin, made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2084 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 13."

Heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 20th day of June 2017 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Seconded by Councilman LoGrippe.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Arena	Nays:	Absent:
Neylan		
LoGrippe		
Loughlin		
Della Fera		
Donnelly		
Oliveira		
Stokes		
Mayor Skibitsky		

#### Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera, Chairman of the Code Review and Town Property Committee, seconded by Councilwoman Neylan were unanimously adopted.

(144) RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Dionisios Vasiliadis  
Danny's Soft Serve  
1081 E. Grand St.  
Elizabeth, NJ 07201

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

(145) WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.



(146) RESOLVED that the application for the following liquor license renewal for the 2017-2018 licensing term be, and the same is hereby granted subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 etseq:

**PLENARY RETAIL DISTRIBUTION LICENSE**

Sunrise Shoprite Liquors, Inc.  
t/a/ ShopRite Liquors of Westfield 33 South Avenue E.  
2020-44-011-007

Parikhs Corporation 781 Central Avenue  
t/a Central Avenue Wines & Liquors  
2020-44-018-010

Trader Joe's East, Inc. 155 Elm Street  
t/a. Trader Joe's  
2020-44-008-007

Elicia Corporation 127 Central Avenue  
t/a Nos Vinos  
2020-44-010-010

Thakorji Corp. 781 Central Avenue  
t/a Peterson's Wines Unlimited  
2020-44-018-010

**PLENARY RETAIL CONSUMPTION LICENSE**

341 Westfield Corp. 341 South Avenue E.  
t/a Fujiyama Mama  
2020-33-004-014

UT Westfield LLC 115 Elm Street  
t/a Addams Tavern  
2020-33-028-005

Du International, LLC 102 E. Broad Street  
t/a Akai Lounge  
2020-33-005-006

Chez Catherine Inc. (Hotel Conditional) 431 North Avenue West  
t/a Chez Catherine  
2020-33-024-006

MRY Westfield Liquor, LLC (inactive)  
2020-33-001-007

Sweet Waters, Inc 43 Elm Street  
t/a Sweet Waters Steak House  
2020-33-022-005

**CLUB LICENCES**

American Legion Incorporated 505 Central Avenue  
Martin Walberg Post 3

Public Works Committee

The following resolutions, introduced by Councilman Oliveira, Chairman of the Public Works Committee seconded by Councilman Stokes, were unanimously adopted.

(147) WHEREAS, a need exists for the purchase of public works related equipment as provided for in the Capital Improvement Fund 236-213, and

WHEREAS, the contract to purchase this is to be awarded to an authorized vendor through the Middlesex Regional Educational Services Commission Cooperative Pricing System, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under MRESC Co-Op #65MCESCCPS, Contract MRESC 15/16-08, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$239,584.55 charged to Capital Improvement Fund 236-213 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendor:

Jesco	
118 Saint Nicholas Avenue	
<u>South Plainfield, NJ 07080</u>	
John Deere 624K Front-End Loader	\$239,584.55

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

(148) WHEREAS, sealed bids were received by the Town Clerk on May 31, 2017 for the 2017 Various Road Improvements in Westfield, New Jersey as authorized by S.O. 2208A, and

WHEREAS, the low bid, in the amount of \$1,286,477.00, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2208A, using Purchase Order 17-02219.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$1,286,477.00 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

(149) WHEREAS, sealed bids were received by the Town Clerk on May 31, 2017 for the 2017 Improvement of Boulevard in Westfield, New Jersey as authorized by S.O. 2167 and S.O. 2203A, and

WHEREAS, the low bid, in the amount of \$322,355.00 submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2167 and S.O. 2203A, using Purchase Order 17-02220.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$322,355.00 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents, and

BE IT FURTHER RESOLVED, that award of this contract is subject to concurrence of award from the New Jersey Department of Transportation.

### **Reports of Department Heads**

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$23,754.00 during the month of May 2017 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in May 2017 in the amount of \$8,000.00 and \$346.00 Permit Fees was received, read and ordered filed.

Report of David C. Wayman, Chief of the Police Department, showing fee collecting in the amount of \$3,242.50 & \$42,768.50 during the months of April & May 2017.

Upon motion by Councilwoman Neylan, seconded by Councilman Donnelly the meeting was adjourned at 8:37 p.m.

Claire J. Gray

Town Clerk